UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,189	11/12/2003	Andrew Rodney Ferlitsch	SLA1330	6153

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EXAMINER
CASIANO, ANGEL L

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/706,189	FERLITSCH, ANDREW RODNEY
	Examiner	Art Unit	
	Angel L. Casiano	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 November 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-14 and 16-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-14 and 16-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

The present Office action is in response to Amendment dated 08 November 2005.

Claims 1, 3-14, and 16-28 are pending. All claims have been examined. Claim 28 has been added.

Specification

1.   The title has been amended. The new title is: "USER DEFINED PRINTER SELECTION ADMINISTRATION POLICY"

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

4.   Claims 1, 3-14, and 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan et al [US 6,003,065] in view of Gimenez [US 2003/0182475 A1].

Regarding claim 1, Yan et al. teaches method for managing <u>printer selection</u> (see Figure 3) in a network of <u>connected printers</u> (see col. 19, line 8), the method comprising: <u>accepting</u> a print job; <u>determining characteristics of the print job</u> (see col. 19, liens 11-12); <u>selecting a printer</u> in response to a programmable administrative policy that cross-references <u>user-defined usage</u> criteria to <u>print job characteristics</u>; and, sending the print job to the selected printer (see col. 19, lines 12-22).

However, the Yan reference does not teach at a <u>user interface, programming an</u> <u>administrative policy that cross-references user-defined preferences for the usage of network-</u> <u>connected printers, to print job characteristics</u>, as claimed. As for this limitation, Gimenez teaches a "<u>policy</u> editor computer 202", including user interface (see user defining preferences, Figure 11 and paragraph 153), and a web-server application providing <u>policy</u> editing functionality to one or more content provider computers. In addition, the reference teaches a "<u>policy</u> enforcement computer 203" operating a <u>policy</u> enforcement application and a "print service provider 204" comprising at least one <u>printer</u> device 205. As part of this method, Gimenez teaches a *print verification component*, capable of communicating with the <u>policy</u> enforcement computer 203 *to verify print polices and conditions for printing received documents*. Therefore, the reference teaches a **policy** that **relates user preferences** to **print job** characteristics (conditions related to the documents or jobs received).

At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to apply protection to a document and enforcing this policy, as taught by Gimenez (see Abstract).

As for claim 3, Yan et al. teaches accepting a pre-determined matrix cross-referencing specification-defined printer capabilities to print job characteristics (see "high-resolution"), for at least one printer in a network of connected printers, and, modifying the specification-defined printer capabilities with user-defined printer usages, to create the administrative policy (see col. 19, lines 12-15).

As for claim 4, Yan et al. teaches administrative policy which includes establishing an administrative policy responsive to print job characteristics (see col. 198, lines 56-60). These characteristics include: printer capabilities, performance, and quality (see above).

As for claim 5, Yan et al. teaches administrative policy which includes establishing an administrative policy that cross-references print job characteristics to printer environment conditions selected from the group including specification-defined speed, printer capabilities, and printer locality (see col. 198, lines 56-60; "geographic proximity to the host computer").

As for claim 6, Yan et al. teaches an administrative policy which includes establishing an administrative policy that prompts an action (see "requesting the user", col. 19, lines 19-20), in response to not matching print job characteristics (see above). The actions available include creating a user interface (UI) to request additional selection criteria (see "to select a different set of criteria"), and creating a UI for the manual selection of a printer.

As for claim 7, Yan et al. teaches a print subsystem activity selected from the group including spooling the print job and despoiling the print job (see col. 17, lines 12-17; "queue"). The reference also teaches selecting a printer in response to policy including selection in response to print subsystem activity (see col. 18, lines 63-67 to col. 19, lines 1-3).

As for claims 8 and 9, Yan et al. teaches accessing the policy in a client repository (see "query peripheral database with predetermined selection criteria", Figure 3).

As for claim 10, Yan et al. teaches a <u>driver</u> for a peripheral (see "printer", col. 3, lines 48-53). The driver must be stored, according to Yan et al. in order to allow data reception from an application, data formatting, and data transmission (see above).

As for claim 11, Yan et al. teaches <u>accepting</u> policy updates and <u>storing</u> the <u>policy updates</u>. For example, a printer downloads an update causing it to use a specific font, print landscape, and use papers from a specific tray (see col. 23, lines 58-62).

As for claim 12, Yan et al. teaches accepting a print job at a host and selecting a printer in response to administrative policy (see "predetermined criteria", col. 198, lines 15-19).

Regarding claim 13, the combination of references teaches the limitations corresponding to the **method** for managing printer selection in a network of connected printers (see above in the rejection of claim 1). Therefore, the combination also teaches the **system** for managing printer

selection in a network of connected printers and claimed here. Accordingly, this claim is rejected under the same rationale.

As for dependent claims 14 and 16-27, the combination of references teaches the limitations corresponding to the **method** for managing printer selection in a network of connected printers (see above). Therefore, the combination also teaches the claimed **system** and these claims are rejected under the same rationale.

Regarding claim 28, Yan et al. teaches a **system** for managing <u>printer selection</u> (see Figure 3) in a network of <u>connected printers</u> (see col. 19, line 8), the system comprising: accepting a print job; determining characteristics of the print job (see col. 19, liens 11-12); selecting a printer in response to a programmable administrative policy that cross-references user-defined usage criteria to print job characteristics; and, sending the print job to the selected printer (see col. 19, lines 12-22).

However, the Yan reference does not teach at a <u>user interface,</u> **programming a cost-basis administrative policy** <u>that cross-references user-defined preferences for the usage of</u> <u>network-connected printers, to print job characteristics</u>, as claimed. As for this limitation, Gimenez teaches a "<u>policy</u> editor computer 202", including user interface (see user defining preferences, Figure 11 and paragraph 153). In addition, the reference teaches a "<u>policy</u> enforcement computer 203" operating a <u>policy</u> enforcement application and a "print service provider 204" comprising at least one <u>printer</u> device 205. As part of this method, Gimenez teaches a *print verification component*, capable of communicating with the <u>policy</u> enforcement

computer 203 *to verify print polices and conditions for printing received documents.* Therefore,

the reference teaches a **policy** that **relates user preferences** to **print job** characteristics

(conditions related to the documents or jobs received). The policy implemented by Gimenez is

cost-based (cost-driven, see Page 1, paragraph 3).

At the time of the invention, one of ordinary skill in the art would have been motivated to

combine the cited disclosures for the reasons stated above.

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 3-14, and 16-27 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

-   Kiraly et al. [US 2004/0184070 A1] teaches network printer connection update

    scheme for printer clients.

-   Hilpl et al. [US 6,975,417 B1] teaches dynamic addition of programming conflicts for

    programming conflict checking.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.   Accordingly, **THIS ACTION IS MADE FINAL.**   See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The

examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Huynh can be reached on 571-272-4147.   The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc
18 January 2006

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SUPERVISORY PATENT